

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COUNTY OF NEWPORT

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall on the 12th day of August 2008 A.D. at 7:00 p.m.

President Durfee opened the meeting with the Pledge of Allegiance to the Flag.

President Durfee then called for a moment of silence for the late Gerald Leduc.

Roll Call:

Joanne M. Arruda
Donald Bollin
Paul E. Carroll
Hannibal F. Costa

Louise Durfee
Jay Edwards
Brian A. Medeiros

Town Administrator, James C. Goncalo
Town Solicitor, Andrew M. Teitz were also present.

BUSINESS BROUGHT BEFORE THE COUNCIL

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Councilor Bollin at this time read all the items on the Consent Agenda for approval.
Councilor Edwards requested the removal of item A-2e and A-3b.

Councilor Bollin, seconded by Councilor Medeiros, made a motion to approve the remaining items on the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows

CONSENT AGENDA

A-1- Approval of Minutes of Previous Meetings

- a. Approval of Regular Council Meeting Minutes June 23, 2008
- b. Approval of Regular Council Meeting Minutes July 14, 2008

A-2- Receipt of Minutes from Various Board and Commissions:

Receipt of Minutes from the Following Boards, Commissions

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| a. Harbor and Coastal Water Commission | b. Art Council |
| c. Library Board of Trustees | d. Recycling Committee |
| f. Landfill Subcommittee | g. Historical Cemetery Commission |
| h. Zoning Board of Review | i. Cemetery Commission |

A-3-CORRESPONDENCE - RECEIVE AND FILE

- a. Received from Summerfield Condo Association Regarding Snow Removal Request – Referred to Town Adm., DPW Director, With Copy to Street Committee

c. Received From Tiverton Open Space and Land Preservation Commission – Annual Report for 2007-2008 Year and List of Goals

A-4-Approval of Tax Assessor Abatements

Wastewater Management Commission

Councilor Edwards requested removal of this item for further discussion. Questioned Ponta Club pump station status. Administrator Goncalo to check on the status of the electrical service and respond to Council. Councilor Edwards motioned to receive the minutes from the Wastewater Management Commission from June 23, 2008. Seconded by Councilor Medeiros, motion passed unanimously.

Received from Weaver's Cove Energy, LLC, Monthly Status Report – Available in Town Clerk Office

Councilor Edwards requested removal of this item, wanted to know if the Clerk had gotten reports from any previous meetings. Didn't remember receiving any but would check. Councilor Edwards then motioned to accept the report as received. Councilor Medeiros seconded the motion, which then passed unanimously.

PUBLIC HEARINGS

The Town Council was sitting as the Board of Licensing Commissioners:

PUBLIC HEARING- ADVERTISED

Storti's Sunrise Café, Inc., 1148 Stafford Road – Request Approval of BVL License (Beverage Victualling Limited – Beer and Wine) – Subject to Meeting All Legal Requirements

Council President Durfee opened the advertised Public Hearing on a request for approval of a BVL (Beverage Victualling Limited – Beer and Wine). Police Chief Thomas Blakey stated the background check on the applicants, no reason to reject request for this license. No one else came before the Council regarding this matter. Councilor Bollin motioned to close the Public Hearing, and then motioned to approve, subject to meeting all legal requirements, a BVL (Beverage Victualling Limited-Beer and Wine) to Storti's Sunrise Café, Inc., 1148 Stafford Road. Councilor Edwards seconded the motion, which then passed unanimously.

BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:

M.C. & Sons Excavating, LLC, 300 Hurst Lane, Michael Atkinson – Request Approval of Street Excavator's License – Subject to Meeting All Legal Requirements

Councilor Carroll motioned to approve, subject to meeting all legal requirements, a Street Excavator's License to M.C. & Sons Excavating, LLC, 300 Hurst Lane, Michael Atkinson.

Councilor Costa questioned the Town Solicitor regarding the Town being listed as the certificate holder on the Certificate of Liability Insurance. Solicitor Teitz replied language specifically lists Town, doesn't change policy, tells what the limits are. Seconded by Councilor Bollin, the motion then passed unanimously.

Camara Excavating, LLC, 520 Fish Road, Joel W. Camara –

a. Request Approval Street Excavating– Subject to Meeting All Legal Requirements

b. Request Approval of Drain Layers License – Subject to Meeting All Legal Requirements

Councilor Bollin motioned to approve both a. and b, subject to meeting all legal requirements, a Street Excavator License and a Drain Layers to Camara Excavating, LLC, 520 Fish Road, Joel W. Camara. The motion was seconded by Councilor Costa and then passed unanimously.

APPOINTMENTS & RESIGNATIONS

Town Clerk – Re-appointments to Various Boards and Commissions

Councilor Costa motioned to re-appoint to various Boards and Commissions on the following list as presented by the Town Clerk.

Along with the request to fill current vacancies, Councilor Edwards seconded the motion. Motion passed unanimously.

REQUESTS FOR REAPPOINTMENT TO BOARDS AND COMMISSIONS

HARBOR & COASTAL WATERS MANAGEMENT

*Robert Dixon	2-year term expiring	6/30/2010
*John McEwing	2-year term expiring	6/30/2010
*David Stewart	2-year term expiring	6/30/2010

STILL (2) VACANCIES

OPEN SPACE COMMISSION

*Susan Anderson	3-year term expiring	6/30/2011
*Gayle Lawrence	3-year term expiring	6/30/2011
*Martha Moore	3-year term expiring	6/30/2011

RECYCLING COMMITTEE

*Rachel Melo	3-year term expiring	6/30/2011
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STILL (1) VACANCY

RE-DEVELOPMENT AGENCY

*Peter Corr	5-year term expiring	6/30/2013
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REQUESTS FOR APPOINTMENT TO FILL CURRENT VACANCIES ON BOARDS AND COMMISSIONS

ECONOMIC DEVELOPMENT COMMITTEE

Scott Humphrey	4-year term expiring	6/30/2012
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STILL (1) VACANCY

RECREATION COMMISSION

Pamela A. Levakis	3-year term expiring 6/30/2011 – FILLING VACANCY
Richard E. Bush	2-year term expiring 6/30/2010 - FILLING VACANCY

President Durfee asked Councilor Medeiros if he had any questions, as the new appointees were not interviewed. Councilor Medeiros did not have any more questions. Motion passed unanimously.

UNFINISHED BUSINESS

FINANCIAL BUSINESS:

NEW BUSINESS:

Councilor Medeiros – Discussion on Wind Power (Continued From July 14th Meeting)

Councilor Medeiros wanted to continue to go forward with the next step, maybe form an ad hoc committee so that more information could be brought forth before the Council. Council President Durfee asked Chris Spencer the Town Planner for any more comments. Mr. Spencer stated he could get something together, from the private sector, have a speaker come before the Council, probably faster, easier right now than forming a committee.

Willing to take on this task. Councilor Medeiros made a motion for Chris Spencer to gather more information to come before the Council, working with the Administrator and any other Town Offices. Seconded by Councilor Costa motion passed unanimously.

Councilor Edwards – Possible Combination of Landfill Sub-committee and Recycling Committee

Councilor Edwards, who serves on the Landfill Sub-Committee, suggested a possible combination of the Landfill Sub-committee and the Recycling Committee as both have common goal, increasing the life of the landfill. Steve Rys, of the Recycling Committee, stated the issues both Committees face are compatible and had no objection to combining efforts. Councilor Edwards stated the Recycling Committee has a forefront on the public end; landfill more of a technical committee. Mr. Rys said the Recycling Committee plans on bringing proposals before the Council. Said members of both Committees were exited at the prospect of the combination. Council President Durfee thought this was a great idea. DPW Director Steve Berlucchi fully supports the idea, have same goals, bigger team will help.

Councilor Costa wondered whether combining the two would diminish the effectiveness of either committee. Director Berlucchi stated recycling goals from Resource Recovery have been raised for the cities and Towns; the landfill does not have an indefinite life. Director has developed a plan for the Landfill Committee. If it's apparent in the future the two needed to be split again, then that could happen. Councilor Costa said if there was no conflict, he approved. Councilor Bollin informed Representative Loughlin's efforts for the Town to be able to participate in State grants programs even though the Town has it's own landfill. Steve Rys would get proposals before the Council as soon as possible.

Councilor Edwards motioned to combine for the interim the Recycling Committee and the Landfill Sub-Committee. Councilor Arruda seconded the motion, which then passed unanimously.

BIDS & REQUESTS FOR PROPOSALS

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS

1. Announced the retirement of Sgt. Richard Ruest as of August 31,2008 from the Tiverton Police Dept.
2. The Tiverton Fire Department will be supporting the Muscular Dystrophy Fill The Boot Drive on August 22-24, 2008.
3. Government Help Group which administrates our health insurance have completed a reconciliation and the Town will be receiving a credit of \$7,993.
4. Flags will be flying at half-mast until August 31,2008 in honor of Lt. Gerald Leduc.
5. The Town Administrator is formulating a report for the Council that will include various Town statistics

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Edwards gave a copy to the Council of the agreement between the Rhode Island Resource Recovery and the Town. Note on item 2, disposition of solid waste, doesn't pertain to the Town of Tiverton, expects us to deliver 100%. The Town is currently delivering recyclables. Recycling Committee is in talks with Patriot Disposal to see if they might want to handle, then the Town could take the cash. Councilor Edwards noted the agreement is to renew and must be signed by the end of November and covers the current fiscal year.

Councilor Costa wanted to know if the Town could handle the recyclables themselves. DPW Director Berlucchi said he was in talks with Resource Recovery to develop a comprehensive plan, in the course of the conversation was told we did not have to enter into any contract. Wants to delay signing until able to look at the agreement a little more closely and meet with Jay and the Landfill Sub-Committee. Councilor Bollin's best recollection, Resource Recovery paid for the program the first couple of years. As those monies ran out, the Town incurred the

cost but Resource Recovery got the recyclables. On September 18, 2008 there is a recycling plan workshop, Councilor Edwards suggested someone from recycling or the Town attend.

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Town Solicitor Andy Teitz stated item #2 42-46-5(a)(5), should have another component and that is acquisition of real property.

CLOSED EXECUTIVE SESSION

1. **Town Solicitor – Litigation – 42-46-5(a)(2)**
2. **Town Administrator – 42-46-5(a)(5) – Possible Disposition of Town Held Property**
3. **Town Administrator – 42-46-5(a)(5) – Acquisition of Real Property**

In open session, Councilor Bollin made a motion to enter into Executive Session pursuant to 42-46-5(a)(2)- Litigation. Seconded by Councilor Medeiros the motion passed unanimously.

A motion was then made by Councilor Bollin, seconded by Councilor Medeiros to remain in Executive Session pursuant to 42-46-5(a)(5)- Possible Disposition of Town Held Property. The motion passed unanimously.

A motion was then made by Councilor Bollin to further remain in Executive Session under 42-46-5(a)(5) – Possible Acquisition of Real Property. Councilor Medeiros seconded the motion, which then passed unanimously.

The Council entered into Executive Session at approximately 7:30 p.m.

The Council returned to Open Session at approximately 8:50 p.m.

OPEN SESSION:

Councilor Durfee announced formal action had been taken in Executive Session relative to the authorization to execute a promissory note to the Nature Conservancy in the amount of \$62,500 for the purpose of paying RIDEM with no interest. Council President is authorized to execute the documentation.

Councilor Edwards motioned to seal the minutes of Executive Session, seconded by Councilor Carroll. Motion passed unanimously.

ADJOURNMENT:

Councilor Carroll motioned to adjourn, seconded by Councilor Medeiros. Passed unanimously.

Council adjourned at approximately 9:00 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk

